

REMARKS

The above amendments and these remarks are responsive to the Office action dated December 19, 2003. Claims 1-6, 18-25 and 34 are pending in the application. In the Office action, the Examiner allowed claims 1-6 and 34. Applicant, by this paper, has amended claims 18, 20, 21, 23-25, cancelled claims 19 and 22 and added new claims 35-40. In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Applicant notes that claims 18-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although applicant respectfully disagrees that the claim language "having a size that is not in proportion to ..." is indefinite under § 112, second paragraph, applicant has removed such language from claims 18-25. It should be noted that the acceptability of claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification. MPEP §2173.05(b). In this light, applicant has added new claims 35, 36, 38 and 39, which include language where a size of the head/base is exaggerated relative to the size of the body. Support for these new claims is found in paragraphs [0018] and [0019] and Figures 1-3 of applicant's disclosure. Specifically, the disclosure states that "Body 25 of doll 10 is out of proportion to the size of head 12 or base 28. The exaggeration of head 12 and base or feet 28 may make doll 10 more aesthetically appealing or a child or other consumer group." Paragraph [0018] of applicant's

disclosure. Thus, applicant submits that the language of new claims 35, 36, 38 and 39 is supported by and clearly understood in light of the specification.

Applicant further notes the Examiner's rejection of claims 18-25 under 35 U.S.C. § 103(a). Although applicant respectfully disagrees with the Examiner's arguments, in order to move prosecution forward, applicant has amended claims 18, 20, 21, and 23-25 such that each of these amended claims depend from allowed independent claim 1. Applicant has cancelled claims 19 and 22. Each of the amended claims should be allowable for at least the same reasons as independent claim 1. Similarly, new claims 35 and 36 depend from allowed claim 1. Applicant has further added new claims 37-40 which depend from allowed claim 34.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

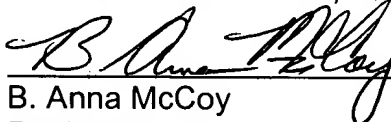
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 11, 2004.


Lisa Holstein

Respectfully submitted,

KOLISCH HARTWELL, P.C.


B. Anna McCoy

Registration No. 46,077

Customer No. 23581

Attorney for Applicant

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679